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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

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Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

Recalling its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, most recently resolution 61/161 of 19 December 2006, as well as Human Rights Council resolution 5/1 of 18 June 2007,[3]

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience, religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to theistic, non-theistic and atheistic beliefs and that all believers and non-believers are entitled without any discrimination to the equal protection of the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

4. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

5. *Also recognizes with concern* the situation of persons belonging to vulnerable groups in society regarding their ability freely to exercise their right to freedom of religion or belief, including in particular refugees, asylum-seekers and internally displaced persons;

6. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

7. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio visual and electronic media or any other means;

8. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent and interrelated, and that lowering the threshold of acts prohibited by law under article 20 of the International Covenant on Civil and Political Rights[1] would not only reduce the scope of free expression, but could also limit freedom of religion or belief itself;

9. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, and to this end:

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[3] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religions or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(d) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(e) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(f) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

10. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, including among communities and religious leaders, and with the participation of women and youth, to promote greater tolerance, respect and mutual understanding;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Welcomes* the work and the report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;[4]

13. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to requests of the Special Rapporteur to visit their countries and to provide all necessary information for the effective fulfilment of the Rapporteur's mandate;

14. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to fully discharge the Rapporteur's mandate;

[4] See A/62/280.

15. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-third session;

16. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-third session under the item entitled "Promotion and protection of human rights".